

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Tiffany H., O/B/O M., John E.,

Plaintiff,

vs.

CIV NO. 2:25-cv-00186-KRS

**FRANK BISIGNANO,
Acting Commissioner of Social Security,**

Defendant.

**ORDER GRANTING STIPULATED MOTION FOR AWARD OF
ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT (EAJA)**

The Court, having reviewed Plaintiff's Stipulated Motion for Award of Attorney Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (the "Motion"), (Doc. 19), **HEREBY ORDERS** that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$5,000.00 in attorney fees. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986). The award is subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1) (2006).



THE HONORABLE KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE